IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
CRIMINAL WRIT PETITION NO.1760 OF 2005

Zuber Khan @ Noormohammed Navabali Khan .... Petitioner
Vs.
The State of Maharashtra & Anr. .... Respondents

Shri Pradeep Rajput i/b Smt. Anjali Patil for the Petitioner.

Ms U.V. Kejriwal, A.P.P., for the State.

CORAM: R.M.S. KHANDEPARKAR & R.S. MOHITE, JJ.

DATED: DECEMBER 20, 2005

P.C:

Heard. There is no substance in the grievance of the petitioner that the petitioner was illegally detained from 16-3-2005 to 18-3-2005 in a chapter case. In fact, show cause notice in the chapter case was issued on 22-1-2004 and was served on 29-1-2004. Finally the order in terms of Section 117 of Cr.P.C. was issued on 15-7-2004. Apparently, the proceedings were concluded within the period of six months, as contemplated under Section 116(6) of the Code of Criminal Procedure. Meanwhile, the petitioner was absconding and could be apprehended only on 16-3-2005. Being so, no fault can be found with the respondents having executed the order dated 15-7-2004 on 16-3-2005 as the petitioner himself was absconding. In the

circumstances, the detention cannot be termed as illegal and hence there is no substance in the petition. The petition, therefore, is rejected.

(R.S. Mohite, J.) **(R.M.S. Khandeparkar)**